

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-4144 FMO (SSx)	Date	August 31, 2017
Title	Phillips Graduate University v. Inspiras Management Services, LLC		

Present: The Honorable **Fernando M. Olguin, United States District Judge**

Vanessa Figueroa

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution

Plaintiff Phillips Graduate University filed its complaint on June 2, 2017. (See Dkt. 1, Complaint). On August 22, 2017, plaintiff was ordered to show cause, on or before August 29, 2017, why the action should not be dismissed for lack of prosecution for failure to complete service of the summons and complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure.¹ (See Dkt. 20, Court's Order of August 22, 2017). Plaintiff was advised that the court may dismiss the action prior to the 90 days required by Rule 4(m) if plaintiff did not diligently prosecute the action. (See id.).

Plaintiff filed a response to the OSC on August 28, 2017, and requested that the court "extend the deadline under Rule 4(m) . . . until September 30, 2017," in order to facilitate the parties' settlement discussions. (See Dkt. 13, Response at ¶ 3-4). Accordingly, IT IS ORDERED THAT:

1. Plaintiff shall file a proof of service no later than **September 29, 2017**.

2. Failure to file a proof of service by the September 29, 2017, deadline will result in the action being dismissed without prejudice for failure to effect service, see Fed. R. Civ. P. 4(m), lack of prosecution and/or failure to comply with the orders of the court. See Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

3. The Order to Show Cause Re: Dismissal Re: Lack of Prosecution, is hereby continued pending compliance with paragraph one above.

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Initials of Preparer	vdr		

¹ Unless otherwise indicated, all "Rule" references are to the Federal Rules of Civil Procedure.